

## Message Text

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ACTION FAA-00

INFO OCT-01 EUR-12 IO-13 ISO-00 CAB-05 CIAE-00 COME-00

DODE-00 DOTE-00 EB-08 INR-07 NSAE-00 INRE-00

SSO-00 L-03 SS-15 NSC-05 NSCE-00 /069 W

-----242351Z 090160 /14

O 242217Z MAR 77

FM AMCONSUL MONTREAL

TO SECSTATE WASHDC IMMEDIATE 8767

UNCLAS MONTREAL 496

FOR CARY/FAA

E. O. 11652: N/A

TAGS: PORG, EAIR, ICAO

SUBJ: ICAO: SPECIAL SUBCOMMITTEE ON LEASE, CHARTER AND INTERCHANGE

1. FOLLOWING IS COPY OF CANADIAN PROPOSAL. USEFUL IF US  
COULD SUPPORT WITH MODIFICATIONS, IF ANY, THAT MAY BE NECESSARY.  
WILL CONSULT BY TELEPHONE. QUOTE: 1. WHEN AN AIRCRAFT  
REGISTERED IN A CONTRACTING STATE IS OPERATED, WITHOUT A  
CREW PROVIDED WITH CERTIFICATES OF COMPETENCY AND LICENSES  
ISSUED OR RENDERED VALID BY THAT STATE, BY AN OPERATOR WHO  
HAS HIS PRINCIPAL PLACE OF BUSINESS OR, IF THE OPERATOR HAS NO  
SUCH PLACE OF BUSINESS, HIS PERMANENT RESIDENCE IN ANOTHER  
CONTRACTING STATE (HEREINAFTER CALLED "THE STATE OF THE OPERATOR"),  
THE STATE OF REGISTRY MAY, WITH RESPECT TO THAT AIRCRAFT, ENTER  
INTO AN AGREEMENT WITH THE STATE OF THE OPERATOR WHEREBY ALL  
OR CERTAIN OF (A) THE UNDERTAKINGS SPECIFIED IN ARTICLE 12 AS  
THOSE OF A CONTRACTING STATE WHOSE NATIONALITY MARK IS CARRIED BY  
AN AIRCRAFT AND (B) THE RESPONSIBILITIES SPECIFIED IN ARTICLES  
31 AND 32(A) AS ATTACHING TO A STATE OF REGISTRY, ARE TRANSFERRED  
TO THE STATE OF THE OPERATOR AND, TO THE EXTENT OF THE TRANSFER  
CONTEMPLATED BY THE AGREEMENT, THE STATE OF THE OPERATOR SHALL, IN  
RESPECT OF THE SAID AIRCRAFT BE DEEMED (I) IN THE CASE OF  
ARTICLE 12, TO HAVE ASSUMED THE UNDERTAKINGS OF THE CONTRACTING  
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STATE WHOSE NATIONALITY MARK IS CARRIED BY THE AIRCRAFT; (II) IN THE  
CASE OF ARTICLES 31 AND 32(A), TO HAVE ACCPTED THE RESPONSIBILITIES  
SPECIFIED IN THOSE ARTICLES AS ATTACHING TO A STATE OF REGISTRY.  
ALL SUCH AGREEMENTS SHALL BE COMMUNICATED TO THE INTER-  
NATIONAL CIVIL AVIATION ORGANIZATION. 2. THE STATE OF THE OPERATOR  
MAY, (A) IN THE CASE OF ARTICLE 31, UNDER ITS OWN AUTHORITY, (I)  
ISSUE A NEW CERTIFICATE OF AIRWORTHINESS, OR (II) VALIDATE THE

CERTIFICATE OF AIRWORTHINESS ISSUED BY THE STATE OF REGISTRY, (B) IN THE CASE OF ARTICLE 32(A), UNDER ITS OWN AUTHORITY (I) ISSUE NEW CERTIFICATES OF COMPETENCY AND LICENSES, OR (II) VALIDATE CERTIFICATES OF COMPETENCY AND LICENSES, PROVIDED THAT THE REQUIREMENTS UNDER WHICH THE CERTIFICATES OR LICENSES CONTEMPLATED BY (A) AND (B) ABOVE ARE ISSUED OR RENDERED VALID ARE EQUAL TO OR ABOVE THE MINIMUM STANDARDS WHICH MAY BE ESTABLISHED FROM TIME TO TIME PURSUANT TO THIS CONVENTION. 3. THE STATE OF REGISTRY OF AN AIRCRAFT MAY SUBJECT, TO ITS PRIOR APPROVAL, THE OPERATION OF THAT AIRCRAFT, WITHOUT A CREW PROVIDED WITH CERTIFICATES OF COMPETENCY ISSUED OR RENDERED VALID BY THAT STATE, BY AN OPERATOR WHO HAS HIS PRINCIPAL PLACE OF BUSINESS, OR, IF THE OPERATOR HAS NO SUCH PLACE OF BUSINESS, HIS PERMANENT RESIDENCE, IN ANOTHER CONTRACTING STATE. 4. A CONTRACTING STATE MAY REQUIRE AN OPERATOR WHO HAS HIS PRINCIPAL PLACE OF BUSINESS, OR, IF THE OPERATOR HAS NO SUCH PLACE OF BUSINESS, HIS PERMANENT RESIDENCE, IN THAT STATE TO BE SUBJECT TO THAT STATE'S PRIOR APPROVAL IN RESPECT OF THE OPERATION BY THAT OPERATOR OF AN AIRCRAFT REGISTERED IN ANOTHER CONTRACTING STATE WITHOUT A CREW PROVIDED WITH CERTIFICATES OF COMPETENCY OR LICENSES ISSUED OR RENDERED VALID IN SUCH OTHER STATE.

5. NO AIRCRAFT WHICH HAS BEEN THE OBJECT OF A LEASE TRANSACTION BETWEEN OPERATORS IN DIFFERENT CONTRACTING STATES AND INVOLVING ITS OPERATION WITHOUT A CREW PROVIDED WITH CERTIFICATES OF COMPETENCY OR LICENSES ISSUED OR RENDERED VALID BY THE STATE OF REGISTRY SHALL BE SUBLEASED WITHOUT THE PRIOR APPROVAL OF THE STATE OF REGISTRY. 6. A STATE OF THE OPERATOR MAY CAUSE A RECORD OF AN AIRCRAFT WHICH IS INTENDED TO BE OPERATED OR IS OPERATED UNDER UNCLASSIFIED

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THE CIRCUMSTANCES CONTEMPLATED BY THIS ARTICLE TO BE KEPT FOR SUCH FLIGHT SAFETY CONTROL PURPOSES AS FALL WITHIN THE SCOPE OF ARTICLES 12, 31 AND 32(A). UNQUOTE  
HARPER

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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Copy:** SINGLE  
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**Executive Order:** N/A  
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**Office:** ACTION FAA  
**Original Classification:** UNCLASSIFIED  
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**TAGS:** PORG, EAIR, ICAO  
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**Type:** TE  
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**Review Markings:**  
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